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Customer Number

Patent
Case No.: 59091US005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: WIGHTMAN, PAUL D.

Application No.: 10/595066

Confirmation No.: 2105

Filed: August 12, 2004

Title: LIPID-MODIFIED IMMUNE RESPONSE MODIFIERS

RESPONSE TO RESTRICTION REQUIREMENT—ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

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6/12/2008
Date

Megan L. Rindlisbacher
Signed by: Megan L. Rindlisbacher

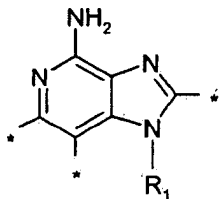
Dear Sir:

In response to the Examiner's office action dated 05/14/2008, Applicants provisionally elect the species described in claim 29, namely *N*-(2-{2-[4-amino-2-(2-methoxyethyl)-1*H*-imidazo[4,5-*c*]quinolin-1-yl]ethoxy}ethyl)hexadecanamide, the structure of which is shown in Example 1.

The claims which read on the elected species are: 1, 7, 11, 13, 14, 17, 18, 20, 21, 24, 25, 28, 29, 33, 34, and 35. Claims 1, 7, 11, 13, 14, 17, 18, 20, 21, 24, 25, 28, 33, 34, and 35 are generic to the elected species.

This election is with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants traverse on the grounds that the generic claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner. It is believed that a search of the classes appropriate to the elected species and claim 29 would include the Patent Office classes in which the non-elected

species and claims 1, 7, 11, 13, 14, 17, 18, 20, 21, 24, 25, 28, 33, 34, and 35 would be searched, as each claim requires a compound which includes the structure:



, R₁ being within the meaning of alkylene-L-R₁₋₁, alkenylene-L-R₁₋₁, or alkynylene-L-R₁₋₁ (* being the groups defined at these positions in each claim).

Conclusion

Applicants have elected the single disclosed species, N-(2-{2-[4-amino-2-(2-methoxyethyl)-1H-imidazo[4,5-c]quinolin-1-yl]ethoxy}ethyl)hexadecanamide. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. Should the Examiner determine that a telephone interview would be beneficial in resolving any issue in this case, the Examiner is invited to telephone the undersigned agent at the telephone number noted below.

Respectfully submitted,

11 June 2008
Date

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